

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gregory Pinchaski

Group Art Unit: 3734

Serial No.: 10/619,837

Examiner: Bu, VY Q.

Filed: March 1, 2000

For: Longitudinally Flexible Stent

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA. 22313-1450

RESPONSE TO ELECTION REQUIREMENT

Sir:

In response to the Official Action dated January 4, 2007 requiring an election of species, Applicants respectfully submit the following response.

I. The Examiner's Election Requirement

The Examiner has stated that this application contains claims directed to the following:

Species I: Figure 3.

Species II: Figure 5.

Species III: Figure 7.

Species IV: Figure 11.

The Examiner has required Applicants under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner has also required a listing of claims readable on the selected species. The Examiner has found at least claim 1 to be generic.

II. Applicants' Provisional Election of Species With Traverse

Applicants respectfully traverse the Examiner's restriction requirement. However, in order to facilitate prosecution and to avoid a holding of non-responsiveness in this application, applicants provisionally elect with traverse to pursue prosecution of **Species I, Figure 3**. At least claims 1-7, 9-13, 20-25, 27-28, 30-33, 35-36, and 67-94 are readable on Figure 3.

III. Applicants' Traversal


This election is made with traverse. Applicants respectfully submit that: (1) all groups of claims are properly presented in the same application; (2) undue diverse searching should not be required since all the claims are in the same class; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the election requirement should be withdrawn and should be examined together.

If any issues remain, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned attorney.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees that may be required for this response to Deposit Account **13-4500**, Order No. **4303-4003US6**, and is hereby petitioned for any extension of time that may be required to make this response timely. **A DUPLICATE OF THIS SHEET IS ATTACHED.**

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.



Date: February 5, 2007

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